

JUDGE BUCHWALD

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 William R. Bennett, III (WB 1383)

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

-----X
 FAIR WIND (EUROPE) SA,

Plaintiff,

- against -

CHINA NATIONAL CHARTERING CORP.
 d/b/a SINOCHART,

Defendant.

-----X
 USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 8/7/08

08-CV-

**EX PARTE ORDER FOR
 PROCESS OF MARITIME
 ATTACHMENT AND
 APPOINTMENT TO
SERVE PROCESS**

_____, District Judge:

On July 28, 2008, Plaintiff filed a Verified Complaint seeking damages of US \$875,000 arising from Defendant's breach of a charterparty. That same day, Plaintiff also moved for the Court to issue, *ex parte*, Process of Maritime Attachment and Garnishment ("Process") under Rule B of the Supplemental Rules for Certain Admiralty Claims. The Process would command the U.S. Marshal or other designated process server to attach any and all of the Defendant's property within this District, up to the amount of Plaintiff's claim under the charterparty. The Court has reviewed the Verified Complaint and the supporting affidavit of William R. Bennett, III, and finds that the requirements of Rule B appear to be satisfied.

Plaintiff also sought to appoint Mr. Bennett, or any other person appointed by Bennett, Giuliano, McDonnell & Perrone, LLP, counsel for Plaintiff, to serve Process in this matter. The

Court has reviewed William R. Bennett, III's affidavit and found that the appointment would result in substantial economies in time and expense, and signed an Order of Appointment.

Accordingly, it is hereby

ORDERED that Process under Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims shall issue against Defendant's assets in this district consisting of cash, funds, freight, and hire credits in the hands of BNP Baribas, Fortis Bank, JP Morgan Chase, Deutsche bank, HSBC (USA) Bank, Doha Bank, American Express Bank, Citibank, and/or other New York City banks and financial institutions, in an amount up to and including US \$875,000.

It is further

ORDERED subsequent supplemental service may, with the consent of the garnishing bank or financial institution, be made by fax or email on the garnishing banks and financial institutions. It is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to this order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted. It is further

ORDERED that supplemental process enforcing this Order may be issued by the Clerk upon application without further order of the Court. It is further

ORDERED that a copy of this Order be attached to and served with the Process.

Aug 4
Dated: July 28, 2008
New York, New York

SO ORDERED

James R. Bunnell Jr.
UNITED STATES DISTRICT JUDGE